

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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Date : 16 May 2022

TRIAL CHAMBER VIII

Before:

**Judge Antoine Kesia-Mbe Mindua
Judge Bertram Schmitt
Judge Maria del Socorro Flores Liera**

SITUATION IN THE REPUBLIC OF MALI

IN THE CASE OF *THE PROSECUTOR v. AHMAD AL FAQI AL MAHDI*

PUBLIC

Public redacted version of

Twentieth update report on the updated implementation plan and request to reclassify as public portions of the case record , submitted on 19 May 2021, ICC-01/12-01/15-386-Conf

Source:

The Trust Fund for Victims

To be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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I. BACKGROUND

1. On 12 July 2018, Trial Chamber VIII (“Trial Chamber”) issued a decision on the draft implementation plan (“Decision on the DIP”) wherein it laid down the features of the organisation of the screening process for individual applications for reparations, set 4 March 2020 as the deadline for its completion,¹ and directed the Trust Fund for Victims (“Trust Fund”) to submit monthly update reports in relation to the Trust Fund’s progress during the reparations implementation stage of the present case.² On 4 March 2019, the Trial Chamber approved the Trust Fund updated implementation plan³ and agreed to the submission of such reports at a bimonthly basis (“Decision on the UIP”).⁴

2. On 15 August 2018, 14 September 2018, 15 October 2018, 14 November 2018, 14 December 2018, 14 January 2019, 14 February 2019, 6 May 2019, 2 July 2019, 4 September 2019, 25 October 2019, 27 December 2019, 20 February 2020, 22 April 2020, 22 June 2020, 26 August 2020, 26 October 2020, 29 December 2020, and 1 March 2021, the Trust Fund filed its first,⁵ second,⁶ third⁷, fourth⁸, fifth⁹, sixth,¹⁰ seventh,¹¹

¹ Public redacted version of “Decision on Trust Fund for Victims’ Draft Implementation Plan for Reparations”, 12 July 2018, [ICC-01/12-01/15-273-Red](#), paras 35-49.

² [Decision on the DIP](#), para. 22.

³ Updated Implementation Plan, ICC-01/12-01/15-291-Conf-Exp. A confidential redacted version was notified on 7 November 2018 (ICC-01/12-01/15-291-Conf-Red). A public redacted version was filed on 22 November 2018, *see* Public redacted version of “Updated Implementation Plan”, submitted on 2 November 2018, ICC-01/12-01/15-291-Conf-Exp”, [ICC-01/12-01/15-291-Red2](#); and Lesser public redacted version of “Updated Implementation Plan” submitted on 2 November 2018 ICC-01/12-01/15-291-Conf-Exp, 14 October 2019, [ICC-01/12-01/15-291-Red3](#)

⁴ Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March 2019, ICC-01/12-01/15-324-Conf (“Decision on the UIP”) para. 104.

⁵ First monthly update report on the implementation plan, 15 August 2018, ICC-01/12-01/15-277-Conf (“First Monthly Report”).

⁶ Second Monthly update report on the implementation plan, 14 September 2018, ICC-01/12-01/15-283-Conf, with two confidential annexes (“Second Monthly Report”).

⁷ Third monthly update report on the updated implementation plan, 15 October 2018, ICC-01/12-01/15-288-Conf.

⁸ Fourth monthly update report on the updated implementation plan, 14 November 2018, ICC-01/12-01/15-299-Conf, with four confidential annexes (“Fourth Monthly Report”).

⁹ Fifth monthly update report on the updated implementation plan including information concerning further details relevant to the Board of Directors’ complement decision, with one confidential annex, 14 December 2018, ICC-01/12-01/15-305-Conf (“Fifth Monthly Report”).

¹⁰ Sixth monthly update report on the updated implementation plan, 14 January 2019, ICC-01/12-01/15-314-Conf.

¹¹ Seventh monthly update report on the updated implementation plan, 14 February 2019, ICC-01/12-01/15-321-Conf.

eighth,¹² ninth,¹³ tenth,¹⁴ eleventh¹⁵, twelfth,¹⁶ thirteenth,¹⁷ fourteenth,¹⁸ fifteenth,¹⁹ sixteenth,²⁰ seventeenth,²¹ eighteenth,²² and nineteenth²³ update reports, respectively.

3. On 17 March 2020, 16 April 2020, 18 May 2020, 19 June 2020, 22 July 2020, 20 August 2020, 17 September 2020, 30 September 2020, 14 October 2020, 4 November 2020, 20 November 2020, 7 December 2020, 28 January 2021, 18 February 2021, 10 March 2021, 19 March 2021, 29 March 2021, and 9 April 2021 the Trust Fund notified the LRV and the Defence of 12 positive administrative decisions (first batch), 79 negative administrative decisions (second batch), 82 negative administrative decisions (third batch), 75 negative administrative decisions (fourth batch), 75 negative administrative decisions (fifth batch) 75 negative administrative decisions (sixth batch), 16 negative administrative decisions (seventh batch), 76 positive administrative decisions (eighth batch), 130 positive administrative decisions (ninth batch), four positive administrative decisions (tenth batch), 32 positive administrative decisions (eleventh batch), five positive administrative decisions (twelfth batch), five positive administrative decisions (thirteenth batch), 96 positive administrative decisions (fourteenth batch), five positive administrative decisions (fifteenth batch), 100 positive administrative decisions

¹² Eighth update report on the updated implementation plan, 6 May 2019, ICC-01/12-01/15-321-Conf.

¹³ Ninth update report on the updated implementation plan, with one confidential, *ex parte* annex, available to the Trust Fund, 2 July 2019, ICC-01/12-01/15-332-Conf.

¹⁴ Tenth update report on the updated implementation plan, confidential *ex parte* available to the Legal Representative of Victims and the Registry, 4 September 2019, ICC-01/12-01/15-335-Conf-Exp.

¹⁵ Eleventh update report on the updated implementation plan, confidential *ex parte* available to the Legal Representative of Victims and the Registry, with one confidential, *ex parte* annex, available to the Legal Representative of Victims and the Registry, 25 October 2019, ICC-01/12-01/15-336-Conf-Exp.

¹⁶ Twelfth update report on the updated implementation plan, confidential *ex parte* available to the Legal Representative of Victims and the Registry, 27 December 2019, ICC-01/12-01/15-340-Conf-Exp.

¹⁷ Thirteen update report on the updated implementation plan, confidential *ex parte* available to the Legal Representative of Victims and the Registry, 20 February 2020, ICC-01/12-01/15-346-Conf-Exp.

¹⁸ Fourteenth update report on the updated implementation plan and response to LRV Request ICC-01/12-01/15-356-Conf-Red, 22 April 2020, ICC-01/12-01/15-358-Conf-Exp, with four confidential *ex parte* annexes, ("Fourteenth Update Report").

¹⁹ Fifteenth update report on the updated implementation plan, with three confidential, *ex parte* annexes, 22 June 2020 (notified on 23 June 2020) ICC-01/12-01/15-366-Conf. (Fifteenth Update Report).

²⁰ Sixteenth update report on the updated implementation plan, with thirteen confidential, *ex parte* annexes and one confidential annex, 26 August 2020, ICC-01/12-01/15-371-Conf. (Sixteenth Update Report)

²¹ Seventeenth update report on the updated implementation plan, confidential *ex parte* available to the Legal Representative of Victims and the Registry, with three confidential, *ex parte* annexes, 26 October 2020, ICC-01/12-01/15-375-Conf-Exp. (Seventeenth Update Report).

²² Eighteenth update report on the updated implementation plan, with 1 confidential, *ex parte* annex available to the LRV and the Registry, 29 December 2020, ICC-01/12-01/15-377-Conf (Eighteenth Update Report).

²³ Nineteenth update report on the updated implementation plan, with 1 confidential, *ex parte* annex available to the LRV and the Registry, 1 March 2021, ICC-01/12-01/15-381-Conf (Eighteenth Update Report).

(sixteenth batch), 163 positive administrative decisions (seventeenth batch), and nine positive administrative decisions (eighteenth batch). All administrative decisions adopted in the reporting period have become final.

4. On 23 September 2020, upon a request from the Trust Fund,²⁴ the Trial Chamber issued a decision simplifying considerably the screening process (“Decision on Screening Process”).²⁵

5. On 17 February 2021, the Trial Chamber, upon a request from the Trust Fund,²⁶ amended the reporting schedule and set the page limit for the report to 30 pages: accordingly, the Trust Fund is to submit update reports every three months, starting with this 20th update report in May.²⁷

6. On 16 March 2021, taking note of the end of the judicial mandate of Judge Raul C. Pangalangan, the Presidency issued a decision recomposing Trial Chamber VIII.²⁸

7. On 13 April 2021, the Trial Chamber notified the parties and participants of the election of Judge Kesia-Mbe Mindua as the presiding judge of the Trial Chamber.²⁹

II. CLASSIFICATION OF THE PRESENT SUBMISSION

8. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the Trust Fund has classified this report as confidential for the reasons set out in the Trust Fund’s previous update reports.³⁰ A public redacted version will be filed as soon as feasible.

III. UPDATE REPORT OF 19 MAY 2021

9. The present report covers the period from 1 March 2021 onwards.

²⁴ Trust Fund’s submission on the amendment of the screening process, 2 September 2020, ICC-01/12-01/15-372-Conf.

²⁵ Decision on the TFV Request for amendment of the Screening Process, 23 September 2020, ICC-01/12-01/15-374-Conf.

²⁶ Request to submit update reports on the implementation of reparations every three months, 10 February 2021, ICC-01/12-01/15-379.

²⁷ Decision on the Request from the Trust Fund for Victims to Submit Update Reports Every Three Months, ICC-01/12-01/15-380.

²⁸ *The Presidency*, Decision assigning judges to divisions and recomposing chambers, ICC-01/12-01/15-383.

²⁹ Decision Notifying the Election of a Presiding Judge, ICC-01/12-01/15-383.

³⁰ See First Monthly Report, para. 3; Second Monthly Report, para. 8.

A. Individual reparation awards

10. During the reporting period, the Trust Fund continued at an intensified pace the payment of the individual reparation awards. The Board of Directors issued 277 positive eligibility decisions, and 96 eligibility decisions issued in the previous reporting period became final. In addition, 35 applications were newly collected.

1. Collection of applications

11. During the reporting period, the Trust Fund did *not* actively continue the collection of applications. At the current stage, the Trust Fund only collects those applications emanating from individuals, who approach the Trust Fund or the LRV on their own initiative. As a result of the symbolic ceremony held on 30 March 2021, a number of individuals initially reluctant to submit an application approached the Trust Fund for the collection of their applications. In particular, a group of people from █████ who had not previously provided their applications, manifested their interest. Accordingly, the Trust Fund organised a mission to █████ by its intermediary and ensured the collection of their applications. In short, the Trust Fund collected (directly and through its intermediary) and transmitted to the LRV³¹ 35 applications, corresponding to █████ applications emanating from people claiming to be descendants of the Sidi Yahia family, █████ from descendants of the Saint Ahmed Fulane, █████ from descendants of the Saint Sheihk Mouhammad El Mikki, █████ descendant from Bahaber Babédié and █████ descendant from both the Saints Alpha Moya and Sidi Mahmoud Mohamed Ben Omar Aquit. Taking into account these applications, the total number of applications jointly collected by the LRV and the Trust Fund to date will be 1054. As indicated in the Nineteenth Update Report, while it is *not* expected that this number will grow much more, the following five factors will have an influence on the final number. First, further checks will be conducted periodically to ensure an absolute accuracy of the statistics. Second, a very limited number of applications collected and transmitted to the LRV may ultimately *not* be transmitted to the Trust Fund (for instance if an applicant decides to withdraw his or her application). Third, the LRV still intends to collect a limited number of applications from individuals residing in Niger and Burkina Faso. Fourth, a limited number of applicants may still come forward as a result of the spreading of the news that individual reparations

³¹ E-mails from the Trust Fund to LRV on 19 May 2021, from 14:43 to 15:46. Two files were handed over physically.

are actually being paid, which may convince those who were initially reluctant to submit an application. Fifth, a group of ██████ has addressed the Trust Fund at the end of 2020, indicating to be direct descendants of ██████. The Trust Fund is still in the process of establishing whether or not they might be eligible *prima facie*, so as to not engage intense resources into the collection of applications which would ultimately be rejected.

2. Administrative decisions

12. During the reporting period, 277 decisions (all positive) were issued by the Trust Fund, while the 96 decisions constituting the **fourteenth batch** of eligibility decisions, and on which the Trust Fund reported in its Nineteenth Update Report, became final and are appended as Annex to this Update Report

13. Of the 277 decisions adopted, one relates to an application that had been submitted to the Trust Fund with the ninth transmission of applications by the VPRS on 29 September 2020, while four relate to applications that had been submitted to the Trust Fund with the thirteenth transmission of applications on 3 February 2021. These five applications, due to missing information, had been pending. Following the submission by the LRV of the requested information and documents,³² the Trust Fund adopted five positive administrative decisions as its **fifteenth batch** of decisions on 10 March 2021.

14. On 4 March 2021, the Trust Fund received from VPRS a total of 129 applications. Of the 129 applications, 27 were found to be incomplete or requiring clarification. In accordance with Trial Chamber VIII's decision of 23 September 2020, the LRV was requested to submit the missing documents and information.³³ Two of the 129 applications refer to two deceased applicants; the LRV raised this matter with the Trial Chamber by filing a request for the transfer of the right to reparations to designated individuals.³⁴ Upon the issuance of the decision of the Trial Chamber on this matter, the Trust Fund will issue a decision on these two applications. Accordingly, on 19 March 2021, the Board of Directors of the TFV adopted 100 positive eligibility decisions as its **sixteenth batch** of decisions.

³² Emails from the LRV to the Trust Fund, respectively, on 4 March 2021 at 11:11, and 23 February 2021 at 11:59.

³³ Emails from the Trust Fund to the LRV on 18 March 2021, at 9:57, and on 19 March 2021, at 11:12

³⁴ Demande de reprises d'actions introduites par les victimes a/10283/21 et a/10293/21, 11 March 2021, ICC-01/12-01/15-382.

15. On 12 March 2021, the Trust Fund received a total of 192 applications. Two of the 192 applications were instances of double transmission (i.e. the same application transmitted to the TFV twice), while 27 applications were found to be incomplete or requiring clarification. In accordance with Trial Chamber VIII's decision of 23 September 2020, the LRV was requested to submit the missing documents and information.³⁵ Accordingly, on 29 March 2021, the Trust Fund adopted 163 positive eligibility decisions as its **seventeenth batch** of decisions.

16. Of the 27 applications of the VPRS' transmission of 4 March 2021, which were found to be incomplete, missing documents and information in relation to nine applications were provided by the LRV on 25 and 29 March 2021.³⁶ On 9 April 2021, the Trust Fund adopted nine positive eligibility decisions as its **eighteenth batch** of decisions.

17. Lastly, on 6 May 2021 the LRV provided the requested information on 18 incomplete applications of the VPRS' transmission of 12 March 2021.³⁷ In accordance with Trial Chamber VIII's decision of 23 September 2020, the Trust Fund will adopt its administrative decisions on these applications within the 15-day time limit.

18. This brings the number of decisions issued to 1035, out of which 637 are positive and 398 negative.³⁸

Fifteenth batch (five positive decisions on consolidated applications from the ninth and thirteenth transmissions)

19. One application (a/50652/20) had been submitted on behalf of an adult with a disability by another adult without the supporting proof of delegation of authority, which was provided by the LRV in the form of a power of attorney (*procuration*) by the adult applicant in favour of the family member having submitted the application. A second application (a/10012/21) lacked a legible copy of the ID of the applicant; the LRV secured

³⁵ Emails from the Trust Fund to the LRV on 26 March 2021, at 14:35 and at 20:14, and 29 March 2021, at 11:43.

³⁶ Emails from the LRV to the Trust Fund on 25 March 2021, at 12:33 and at 12:34, and email from the VPRS to the Trust Fund on 29 March 2021, at 11:13.

³⁷ Email from the LRV to the Trust Fund of 6 May 2021, at 12:28, as confirmed by the email of 7 May 2021 at 12:26.

³⁸ It is recalled that the LRV re-consolidated four applications which had received a negative decision and re-submitted them. As a result, the Trust Fund reconsidered them and issued a second decision on these applications. Therefore, in total 1039 administrative decisions were issued for a total of 1035 individuals total.

such a document. For the remaining three applications, the TFV requested the LRV to confirm, due to inaccuracies on the application forms or the supporting documents, the identity of the applicant (a/10056/21) and of the mother acting on behalf of two minor sibling applicants (a/10058/21 and a/10059/21); the LRV confirmed the identities upon consulting internally and with the interested individuals.

20. ***Date of collection:*** four application forms were jointly collected by the LRV and the Trust Fund during two joint missions in 2020. One application form was collected by an intermediary of the Trust Fund. ***Sex and age:*** two decisions relate to female applicants, one of whom is a minor; three decisions relate to male applicants, one of whom is a minor. ***Type of claim and value of the award:*** the five beneficiaries were found to be direct descendants of one Saint. Therefore, they are eligible for reparations for the moral harm suffered; the amount to be awarded to each of them is [REDACTED]. Disbursement will be done in Francs CFA. The overall amount to be awarded to these victims is [REDACTED]. ***Protected Building:*** two applications relate to the Ahmed Fulane mausoleum; three to the Bahaber Babadié mausoleum.

21. The five individual decisions constituting the fifteenth batch of administrative decisions are appended as an Annex to this Report.

Sixteenth Batch (100 positive decisions of the fourteenth transmission)

22. ***Date of collection:*** the relevant applications were primarily collected jointly by the TFV and the LRV between January 2020 and February 2021. ***Sex and age:*** 55 decisions relate to female applicants, 16 of whom are minors; 45 decisions relate to male applicants, 10 of whom are minors. ***Type of claim and value of the award:*** 89 beneficiaries were found to be direct descendants of one Saint; therefore, they are eligible for reparations for the moral harm suffered; the amount to be awarded is [REDACTED] each. 11 beneficiaries were found to be direct descendants of two Saints; therefore, they are eligible for reparations for the moral harm suffered; the amount to be awarded is [REDACTED]. The overall amount to be awarded to these victims is [REDACTED]. Disbursement will be done in Francs CFA. ***Protected Building:*** 61 of these decisions relate to the Bahaber Babadié mausoleum, 21 to the Sheikh Abdoul Kassim Attouaty mausoleum, 8 to the Sidi Yahia mosque, 10 to the Sidi Mahamoud Ben Omar Mohamed Aquit and 11 to the Alpha Moya mausoleum. Of those, 11 decisions relate to two mausoleums, i.e. 10 to both the Alpha Moya mausoleum and the Sidi Mahamoud Ben

Omar Mohamed Aquit mausoleum, and one to the Bahaber Babadié mausoleum and the Alpha Moya mausoleum.

23. The 100 individual decisions constituting the sixteenth batch of administrative decisions are appended as an Annex to this Report.

Seventeenth Batch (163 positive decisions of the fifteenth transmission)

24. **Date of collection:** the applications were primarily collected jointly by the Trust Fund and the LRV between January 2020 and February 2021. **Sex and age:** 80 decisions relate to female applicants, 22 of whom are minors; 83 decisions relate to male applicants, 20 of whom are minors. **Type of claim and value of the award:** of the 163 applicants found eligible: 156 were found eligible for reparations for the moral harm suffered; of them, 107 applicants were found to be direct descendants of one Saint (the amount awarded to each of them is ██████████), 47 applicants were found to be direct descendants of two Saints (the amount awarded to each of them is ██████████), and two applicants were found to be direct descendants of three Saints (the amount awarded to each of them is ██████████). Two applicants were found eligible for reparations for both the moral and the economic harm suffered; one of them was the guardian of a mausoleum and had 3 family members involved in his activity (the amount awarded is ██████████), while the other was the guardian of a mausoleum with no family member involved in his activity (the amount awarded is ██████████). Five applicants were found eligible for reparations for the economic harm suffered; of them: one was the guardian of ██████████ ██████████ ██████████, with no family member involved in his activity (the amount awarded is ██████████), one was the guardian of a mausoleum and had one family member involved in his activity (the amount awarded is ██████████), one was a mason for a mausoleum and had one family member involved in this activity (the amount awarded is ██████████), one was a mason for a mausoleum and had two family members involved in this activity (the amount awarded is ██████████), and one was a mason for a mausoleum and had four family members involved in this activity (the amount awarded is ██████████). The overall amount awarded to these beneficiaries is ██████████. Disbursement will be done in Francs CFA. **Protected Building:** of the 163 decisions, 95 relate to the Sidi Mahamoud Ben Omar Mohamed Aquit mausoleum, 7 relate to the Sheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti mausoleum, 39 relate to the Alpha Moya mausoleum, five relate to the Sheikh Abdoul Kassim Attouaty mausoleum, 24 relate to the Sheikh Sidi

Ahmed Ben Amar Arragadi mausoleum, 20 relate to the Sidi Yahia mosque, 23 relate to the Ahmed Fulane mausoleum, and one relates to the Bahaber Babadié mausoleum. Of them, 45 relate to two protected buildings: 11 to both the Ahmed Fulane mausoleum and the Sidi Yahia mosque, 36 to both the Mohamed Aquit and the Alpha Moya mausoleums. Two decisions relate to three protected buildings: the Mohamed Aquit and Alpha Moya mausoleums, and the Sidi Yahia mosque.

25. The 163 individual decisions constituting the seventeenth batch of administrative decisions are appended as an Annex to this Report.

Eighteenth batch (nine decisions on consolidated applications from the fourteenth transmission)

26. For five applications, the TFV requested the LRV to confirm, due to inaccuracies on the application forms or the supporting documents, the identity of the applicant (a/10275/21, a/10320/21, a/10334/21) and of the parent acting on behalf of a minor applicant (a/10328/21 and a/10338/21); the LRV confirmed the identities upon consulting internally and with the interested individuals. Three applications (a/10342/21, a/10343/21, and a/10344/21) concerned minor siblings whose birth certificates establishing parenthood of the adult acting on their behalf were not appended to the application forms and the LRV secured them. Eventually, one application (a/10364/21) was initially erroneously assembled with sheets pertaining to different applications but a correct version was provided swiftly upon request.

27. ***Date of collection:*** eight applications were collected by the LRV and the Trust Fund during two joint missions in 2020; one application form was collected by the Trust Fund in December 2019. ***Sex and age:*** five decisions relate to female applicants, three of whom are minors; four decisions relate to male applicants, three of whom are minors. ***Type of claim and value of the award:*** the nine beneficiaries were found to be direct descendants of one Saint; therefore, they are eligible for reparations for the moral harm suffered and the amount awarded to each of them is [REDACTED]. The overall amount awarded to these beneficiaries is [REDACTED]; disbursement will be done in Francs CFA. ***Protected Buildings:*** of the nine decisions, two relate to the Bahaber Babadié mausoleum, five to the Sidi Yahia mosque, and two to the Sheikh Abdoul Kassim Attouaty mausoleum.

28. The nine individual decisions constituting the seventeenth batch of administrative decisions are appended as an Annex to this Report.

3. Notification of positive decisions, payment of the individual reparation awards and modalities of the disbursement of payments

29. As reported in the Nineteenth Update Report, as a result of financial difficulties experienced by the prospective partner, the Trust Fund put in place an emergency mechanism permitting to proceed with the payment of individual reparations directly by the Trust Fund, without having to run through a new time-consuming procurement procedure to select and a contract another implementing organisation.

30. Specifically, t [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

31. During the reporting period, [REDACTED] beneficiaries were emitted their payment bringing the overall numbers of victims notified and payed to [REDACTED]. These notifications and payments were issued in two groups, after adjustments were made as a result of the lessons learned after notification of the first group. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

32. [REDACTED]

33. To date, this system has proved functional and a workshop, held after the first batch of payments had been issued, permitted making improvements to the system.

34. *Monitoring and evaluation of individual awards* – The Trust Fund is pleased to report that many of the notified beneficiaries expressed their gratitude to the Trust Fund but also to the judges and the Court in general for having considered and recognised that the destruction of the Protected Buildings harmed them.

35. In addition to these informal feedback obtained during conversations with beneficiaries, the Trust Fund is working on a more formal monitoring system. To this effect, a questionnaire for the victims was prepared under the guidance of the Trust Fund's Monitoring and Evaluation Officer, following best evaluation practices and will be administered to the victims by a team of independent evaluators on a large sample of victims. The questionnaire is mostly aimed at determining whether the victims were satisfied with the process of consultation, collection of applications, notification, payments and whether it provided them with some sort of relief or closure.

36. In addition, the Trust Fund is monitoring the work of all [REDACTED] by conducting random spot checks and contacting the individual beneficiaries to follow-up on the notification and payment process.

B. Collective reparations

37. During the reporting period, progress was made in relation to the implementation of collective reparations. As announced in the Nineteenth Update Report, the Trust Fund has been working with the implementing partners (CIDEAL/[REDACTED] for reparations for the consequential economic loss, [REDACTED] for the reparations for the moral harm

and UNESCO for the reparations for the Protected Buildings) on the integration of the implementation of reparations. This integrative approach has been taken because all measures ordered complement each other and the interaction with the community of Timbuktu and beneficiaries must therefore be streamlined.

38. To this effect, during the reporting period, the Trust Fund held several meetings (including virtual meetings) and a workshop with the implementing partners, during which an integrated plan of action and a roadmap were conceived with a view to coordinating and harmonising contacts and consultation with the community, and prepare for the official launch of the collective reparation programme. Separately, in respect of the implementation of the collective reparations for economic harm, the terms of reference of the market survey to be conducted in Timbuktu have been drafted and are currently being consolidated. The result of the survey will inform about the current economic situation and opportunities and how best to support the economic resilience of the Timbuktu community. Lastly, the Trust Fund developed with the implementing partners a leaflet to be used in the Timbuktu community to present the collective reparations programme.

39. The actual start of the activity was possible due to the completion of the adaptation of the Trust Fund's SAP Grants Management (SAP GM) accounting system, which permitted disbursement of the first instalment to CIDEAL and [REDACTED]³⁹

40. With regard to the reparations for the Protected Buildings, the Trust Fund and the Registry Legal Office held several virtual meetings with UNESCO to finalise the contract negotiation on outstanding issues. On 13 April 2021, final agreement was reached. However, on 14 April 2021, UNESCO informed the Trust Fund that [REDACTED]

41. [REDACTED]

³⁹ Eighteenth Update Report, footnote 46.

42. [REDACTED]

43. [REDACTED]

C. Ceremony for the symbolic reparation awards

44. On 30 March 2021, the Trust Fund and the Government of Mali co-hosted a ceremony in Bamako, for the symbolic reparation awards. The Chair of the Trust Fund Board of Directors handed over symbolic awards of 1 Euro each to the Malian President of the Transition, in recognition of harm suffered from the convicted crimes by the Malian population, and to the Deputy General Director of UNESCO, in recognition of harm suffered by the international community. The euros were presented in frames containing an abstract of the preamble of the Rome Statute. The ceremony was attended by the ICC Prosecutor.

45. The organisation of the ceremony resulted from an intense collaboration between the Trust Fund and the Malian authorities throughout the months of February and March. Five meetings were organised, under the auspices of the Ministry of Foreign Affairs and International Cooperation, with the inter-ministerial commission to design and set up the ceremony. The Trust Fund participated actively in each meeting in addition to engaging with each ministry bilaterally, as well as with State Protocol, civil society organisations, victim associations, United Nations organisations and the community of Timbuktu. The ceremony and the related events were organised in cooperation and with the strong support of the Country Office. Throughout this process, the Trust Fund kept the different offices of the Court and the ASP informed.

46. The ceremony was chaired by the President of Mali, Mr Bah N'DAW, in the presence of the government and diplomatic representations, the Prosecutor and the Deputy Director General of UNESCO. The high profile of participants in the ceremony, including Government officials, diplomatic representatives and members of the Timbuktu community, boosted the understanding of the symbolic awards to be a measure aimed at repairing the harm suffered not only in Timbuktu, but also in Mali and internationally.

47. The ceremony was designed to honour the exceptional national and international value of the heritage of Timbuktu. Speeches were made by the Mayor of the Commune 3 of Bamako (Third District), the Prosecutor, the Chair of the Trust Fund Board of Directors, the General Deputy Director of UNESCO, a representative of the Timbuktu community designated by victims and the Malian President of the Transition. The victim representative from Timbuktu underlined that the reparations were progressively leading to the “resilience of the affected communities”. The ceremony featured two films produced by the Trust Fund, summarising the Al Mahdi case and illustrating the importance of the Protected Buildings in the daily life of the Timbuktu community.

48. The Trust Fund ensured important media coverage, including a press conference the day before the ceremony, and live-streamed the ceremony allowing more than 15,000 persons to follow it remotely.

49. In order to enable as widely as possible ownership of the symbolic measure and to integrate the ceremony into the national efforts in the fight against impunity, the Trust Fund organised parallel activities in partnership with respectively the Government of Mali and civil society actors. On 30 March 2021, two side events were organised: (i) about the relationship between reparations and the fight against impunity; and (ii) about the lessons learned from the national and international responses in Timbuktu. Both side events were well-attended and live-streamed. A side event in closed session on the reparative complementarity between ICC/TFV and the national transitional justice initiatives was organised on 31 March 2021.

50. Further, the Trust Fund, jointly with UNESCO, organised a visit to Timbuktu on 31 March 2021 so that officials could meet with the community of victims and the local authorities. The visit also allowed the Prosecutor of the ICC to engage with the Timbuktu community.

51. Lastly, a cultural commemoration was organised jointly by the Minister of Culture and the Trust Fund on 1 April 2021 in the presence of the Malian President of the Transition, officials of the Government of Mali, representatives of the Timbuktu community, and civil society and diplomatic representatives. During the commemoration, the President of the Transition inaugurated a memorial stone and unveiled a work of art commemorating victims.

52. The Trust Fund plans to continue to disseminate information about the symbolic awards ceremony in the coming months to maximise the impact and appreciation of the event. Planned activities include a national outreach campaign throughout Mali to project and debate around the film of the ceremony, and the further promotion of the film globally, through social media.

D. Other matters: Reporting and fundraising

53. [REDACTED]

IV. REQUEST TO RECLASSIFY CERTAIN FILINGS

54. In accordance with the Trial Chamber's Third Order on the Publicity of the Case Record,⁴⁰ the Trust Fund is constantly reviewing its case record to ensure that it is as public as feasible.

55. As a result of the holding of the ceremony, more information became public, and the reasons for keeping related information classified as confidential no longer exist. At this stage of the proceedings, the Trust Fund is seeking to maintain the confidentiality of

⁴⁰ Third Order on Publicity of Case Record, 7 March 2019, ICC-01/12-01/15-327.

the following information only: (i) TFV/Registry internal processes, in particular when they pertain to contents of meetings with other sections of the Court; (ii) specific details that could reveal the identity of victims and victim groups, for instance the precise number of applicants per Protected Building; (iii) the amount of money to be awarded to individual victims or victims related to specific Protected Buildings; and (iv) names of ■ agencies, except for UNESCO, which has explicitly requested more publicity.

56. The Trust Fund has reviewed its case record and will file public redacted versions or lesser redacted versions of: (i) all its reports⁴¹, (ii) the submissions on the draft application form (ICC-01/12-01/15-299-Conf), (iii) the Updated Implementation Plan (ICC-01/12-01/15-292-Conf-Exp); (iv) and the Trust Fund's certification that the case record is as public as possible (ICC-01/12-01/15-334-Conf). For some of these filings, public redacted versions already exist but they contain heavy redactions that are no longer justified and therefore lesser redacted version are filed.

57. The Trust Fund requests the reclassification as public of: (i) Request for clarification of the eligibility criteria for individual reparations awards related to economic harm (ICC-01/12-01/15-274-Conf) (containing redactions in relation to the fact that masons and guardians are eligible); (ii) Annex I to the Monthly update report on the implementation plan (ICC-01/12-01/15-283-Conf); (iii) Annexes 1-4 of the TFV's submission of draft application form (ICC-01/12-01/1-289-Conf) containing the draft application form and the attestations; (iv) Annexes 1-4 to the Fourth Update Report containing the draft application form and the attestations (ICC-01/12-01/15-299-Conf); (v) Annex 1 to the Fifth Update Report containing the form approved by the Trial Chamber (ICC-01/12-01/15-305-Conf); (vi) Sixth Update Report (ICC-01/12-01/15-314-Conf); and (vii) the Trust Fund's submission on the amendment of the screening process (ICC-01/12-01/15-372-Conf).

58. The documents referred to in paragraph 57, (i) to (v) were filed confidentially because, inter alia, the fact that masons and guardians are eligible for individual reparations was kept confidential even though the public Reparation Order had referred to masons and guardians. Since it is now widely known in Timbuktu and within the Timbuktu community living elsewhere that masons and guardians are beneficiaries of

⁴¹ Only the Sixth Update Report can be readily reclassified as public without any redactions being applied.

individual reparations, there is currently no need to keep this information and any related information (e.g. templates of application forms) classified in order to mitigate any risks for masons and guardians.

59. The Sixth Update Report referred to under (vi) contains redactions on information related to intermediaries, which was deemed sensitive at that time. However, with the passing of time, no risk is associated anymore with making this information public.

60. The Trust Fund considers that its submission on the amendment of the screening process, above referred to under (vii) does not contain any confidential information.

61. Lastly, the Trust Fund notes that the LRV's request contesting administrative decisions (ICC-01/12-01/15-360-Conf, ICC-01/12-01/15-362-Conf, ICC-01/12-01/15-363-Conf, ICC-01/12-01/15-365-Conf, ICC-01/12-01/15-367-Conf and ICC-01/12-01/15-367-Conf) were filed confidentially, which justified the confidential classification of the Trust Fund's response (ICC-01/12-01/15-361-Conf, ICC-01/12-01/15-364-Conf, ICC-01/12-01/15-368-Conf). The Trust Fund stands ready to submit public a public redacted version of this response, if so ordered by the Trial Chamber.

CONCLUSION

62. The Trust Fund respectfully requests the Trial Chamber to

- take note of the present report; and
- grant the reclassification request set out at paragraphs 57-61.



Pieter W.I. de Baan
Executive Director of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims
Dated this 19 May 2021

At The Hague, The Netherlands